

double patenting rejection. Claims 40-75 are pending in the application. The claims are presently amended in order to more clearly define the present invention. The present non-narrowing claim amendments are not necessitated by any prior art, applied or otherwise, and do not create any estoppel. Reconsideration and allowance of all claims is respectfully requested in view of the following remarks.

- Claims 40-75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Bhatia* (U.S. Patent No. 5,930,699). Applicant respectfully traverses this rejection.

Claim 40

Bhatia does not teach or suggest “storing prioritization information relating to a priority for presenting service provider information to a subscriber”, and, “based on said stored prioritization information, prioritizing said first and second service provider information”, as is claimed in independent method claim 40.

Rather, *Bhatia* only discloses using a present location area (LA) and/or cell global identity (CGI) to locate the member entries 65 that are most closely located to the mobile station (e.g., col. 3: lines 13-17). In step 110 therein, a database selects member entries 65 of the selected business classification category 70 having the same LA or CGI as the requesting mobile station (e.g., col. 2: lines 60-67). Such does not teach or suggest the above-noted storing of prioritization information or, based on the stored prioritization information, prioritizing of provider information, as is claimed (emphasis added). A locating is not the same as a storing of prioritization information or a prioritizing, as is claimed.

Claim 56

Bhatia also does not teach or suggest “providing location information into a form

suitable for distance determinations”, and, “determining the distance of each of said first and second service providers relative to said mobile unit”, as is claimed in independent method claim 56.

At best, the above-noted disclosure (i.e., col. 3: lines 13-17) in *Bhatia* indicates that LA and/or CGI information is used to indicate which member entries are “most closely located with the mobile station.” Such does not necessarily involve distance determination(s) or a determining of any relative distance(s), as is claimed. Indeed, since coordinates are not assigned for the member entries or mobile unit in *Bhatia*, it is unclear how the claimed distance determinations could be accomplished in the *Bhatia* system.

Claim 62

Bhatia also does not teach or suggest any use of first and second location finding systems different from one another, or a method that involves determining of a location of a wireless transceiver by accessing a database that includes first location information from the first location finding system and that includes second location information from the second location finding system, as is claimed in independent method claim 62.

Instead, *Bhatia* only discloses (e.g., col. 2: lines 31-38) that a home location register (HLR) determines, at a step 50, the present LA and/or CGI for a mobile station 10 when processing a request from the mobile station, where an LA is defined as being an area in which the mobile station can freely move without updating its location information. Such does not teach or suggest any use of different location finding systems as is claimed.

Claim 67

Bhatia also does not teach or suggest converting location information into a second form, or, utilizing such converted location information to locate a service provider and associated

service provider information, as is claimed in independent method claim 67.

Rather, as discussed herein above, *Bhatia* only discloses a use of a present LA and/or CGI for a mobile station, and such does not teach or suggest the claimed conversion of location information that can be used, for example, for distance calculations and comparisons, or for obtaining travel direction and rate information.

Since the applied *Bhatia* reference does not teach or suggest all the claim limitations, Applicant respectfully requests the § 102 rejection of claims 40-75 be withdrawn. Claims 41-55 and 63-66 are patentable at least by virtue of their respective dependencies on independent claim 40. Claims 57-61 and 64-65 are patentable at least by virtue of their respective dependencies on independent claim 56. Claims 68-75 are patentable at least by virtue of their respective dependencies on independent claim 67.

- Claims 40-75 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *DeLorme et al.* (U.S. Patent No. 5,930,699). Applicant respectfully traverses this rejection.

DeLorme et al. does not teach or suggest any method that includes obtaining location information on a network platform using a network assisted location finding technology operative to provide location information based on the position of the mobile unit in relation to a known location of a stationary ground based device in communication with the mobile unit, as is claimed in independent method claims 40, 56, 62, and 67.

Rather, *DeLorme* discloses a trip planning system, where Figs. 9A and 9B therein, cited by the Examiner, illustrate a Travel Reservation Information Planning System (TRIPS) equipped with wireless communication and GPS (e.g., col. 13: lines 21-26). The GPS sensor 908 provides information on a user's location, speed, and direction, by using signals 909 from global

positioning satellites 910 (e.g., col. 72: lines 3-7).

By comparison, the *DeLorme* GPS system requires satellites, whereas the claimed method can be implemented without satellites, and instead provides location information using a network assisted technology that provides location information based, at least in part, on the position of the mobile unit in relation to a known location of a stationary ground based network device in communication with the mobile unit. The claimed method is able to obtain location information by reference to ground-based network structure and supports location technologies that operate without any use of independent GPS equipment or satellite equipment. For example, subject claim 45 is a method that analyzes signals communicated between the network platform and the mobile unit, where the analyzing utilizes a cell/sector, microcell, angle of arrival, time of arrival, or time delay of arrival technology, none of which requires satellites or GPS.

Since the applied *DeLorme* reference does not teach or suggest all the claim limitations, Applicant respectfully requests the § 102 rejection of claims 40-75 be withdrawn. Claims 41-55 and 63-66 are patentable at least by virtue of their respective dependencies on independent claim 40. Claims 57-61 and 64-65 are patentable at least by virtue of their respective dependencies on independent claim 56. Claims 68-75 are patentable at least by virtue of their respective dependencies on independent claim 67.

- In addition, the applied references do not teach or suggest the various combinations claimed by each of the dependent claims. Under § 102, a reference must teach every aspect of a claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The present claim rejections under § 102 (Paper No. 7) fail to meet this standard and, therefore, fail to

establish the required *prima facie* case. Specifically, the present rejections fail to identify all of the claimed elements. The Examiner does not present a *prima facie* case of anticipation because the grounds of rejection do not indicate how each of the claims are to be read on either the *Bhatia* or *DeLorme* references. Notably, for example, neither the *Bhatia* reference nor the *DeLorme* reference teaches or suggests the claimed determining of first and second distances of claim 41, accessing subscriber defined prioritization criteria as in claims 43 or 44, analyzing signals as in claim 45, the claimed combination that uses location information originating from equipment other than the mobile unit as in claim 46 or claim 58, identifying first and second service providers based on a local condition as in claim 48, the specific local conditions used in identifying in claim 49 and in claim 71, the specific combinations in method claims 50-55 and 72-75, analyzing signals as in claim 57, the specific prioritizing of claim 59, the receiving of location information of claim 62, the use of two location information inputs as in claim 63, the triangulation analysis of claim 64, the polygon analysis of claim 65, the selection of either first or second location information as in claim 66, the converting of location information into a second form as in claim 67, the comparing of claim 68, selection of prioritization criterion as in claim 69, or, the identifying of claim 70. The Examiner is respectfully requested to indicate how she reads each of the subject claims on each of the applied references.

- For the foregoing reasons, it is respectfully submitted that the application is now in condition for allowance. It is, therefore, requested that the application be passed to issue at the earliest possible time.

Request for Interview

If for any reason the subject application is not now in condition for allowance, the Examiner is **requested to call** the undersigned at the telephone number listed below to discuss

Amendment under 37 C.F.R. § 1.111
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the steps needed to place the application in condition for allowance.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 50-1419.

Respectfully submitted,
MARSH FISCHMANN & BREYFOGLE, LLP

By: _____


John W. Bain

Registration No. 42,283

MARSH FISCHMANN & BREYFOGLE, LLP

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720) 562-5501

Date: March 18, 2002

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

40. (Amended) A method for providing location based services in a wireless network comprising [the steps of]:

receiving, on a network platform in communication with a subscriber using a mobile unit via an air interface, a service request requesting information regarding said location based services;

obtaining, on said network platform, location information regarding a location of said mobile unit determined using a network assisted location finding technology, said technology being operative to provide location information regarding said mobile unit based at least in part on a position of the mobile unit in relation to a known location of a stationary ground based network [structure] device in communication with the mobile unit;

identifying, on said network platform, first and second service providers and associated first and second service provider information based upon said determined location of said mobile unit;

storing prioritization information relating to a priority for presenting service provider information to a subscriber;

based upon said stored prioritization information, prioritizing said first and second service provider information; and

outputting both said first and second service provider information [on] to said mobile unit based upon said step of prioritizing.

41. (Amended) A method as set forth in Claim 40, wherein said prioritization information relates to establishing said priority based on proximity of particular service providers to said mobile unit and said [step of] prioritizing comprises:

providing said location information in a form suitable for distance determinations;

determining a first distance between said mobile unit and said first service provider;
determining a second distance between said mobile unit and said second service provider;
performing a comparison of said first and said second distance; and
determining a presentation of said first and second service information based upon said comparison.

42. (Amended) A method as set forth in Claim 40, wherein said prioritization information [relates to] is based on one of[,] proximity, financial information, service preference information, and a subscriber usage profile.

43. (Amended) A method as set forth in Claim 40, wherein said [prioritization step] prioritizing further comprises accessing stored subscriber defined prioritization criterion information.

44. (not Amended) A method as set forth in Claim 43, wherein said subscriber defined prioritization criterion information includes preferences of said subscriber relative to said service request.

45. (Amended) A method as set forth in Claim 40, wherein said network assisted location finding technology is operative [for analyzing] to analyze signals communicated between said network platform and said mobile unit, and wherein said [step of] analyzing comprises utilizing one of a cell/sector, microcell, angle of arrival, time of arrival, and time delay of arrival technology.

46. (Amended) A method as set forth in Claim 40, wherein said location information regarding said mobile unit is received on said network platform, and said location information originates at least in part [from,] from location equipment separate from said mobile unit.

47. (Amended) A method as set forth in Claim 40, wherein location information is received in a first form relating to a topology of said network, and wherein said [step of] identifying comprises converting said first form location information into a second form and using said converted location information in said second form to locate said first and second service providers.

48. (Amended) A method as set forth in Claim 40, wherein said identifying [step] comprises obtaining one of a local condition and a service provider location relative to said location [to] of said mobile unit.

51. (Amended) A method as set forth in Claim 40, wherein said [step of] outputting said information comprises causing an audio signal to be transmitted to said mobile unit.

52. (Amended) A method as set forth in Claim 40, wherein said [step of] outputting said information comprises causing display information to be transmitted to said mobile unit.

53. (Amended) A method as set forth in Claim 40, wherein one of said [steps of] storing and prioritizing is performed on said network platform.

54. (Amended) A method as set forth in Claim 40, wherein said mobile unit comprises a standard mobile telephone free from any integrated equipment dedicated to location determination [and] , wherein said technology is operative [for identifying] to identify said location of said mobile unit based on radio frequency transmissions from the mobile unit, and wherein location based services are provided to said standard mobile telephone from said integrated location determination equipment.

55. (Amended) A method as set forth in Claim 40, wherein said network platform comprises a mobile telephone network platform associated with a mobile telephone network switch and wherein said [step of] receiving comprises receiving a network message transmitted to said network platform from said switch.

56. (Amended) A method for use in providing location based services to a communications network user in a wireless network, comprising [the steps of]:

receiving, on a network platform in communication with a mobile unit via an air interface, a service request requesting information regarding said location based services;

obtaining location information regarding a location of said mobile unit determined using a network assisted location finding technology, said technology being operative to provide location information regarding said mobile unit based at least in part on a position of the mobile unit in relation to a known location of a stationary ground based network [structure] device in communication with the mobile unit;

identifying, on said network platform, first and second service providers and associated first and second service provider information based upon said location information of said mobile unit;

providing said location information into a form suitable for distance determinations;

determining the distance of each of said first and second service providers relative to said mobile unit; and

outputting both said first and second service provider information to said mobile unit , a manner of said outputting being based upon said step of determining distances.

57. (Amended) A method as set forth in Claim 56, wherein said network assisted location finding technology is operative [for analyzing] to analyze signals communicated between said

network platform and said mobile unit, and wherein said [step of] analyzing comprises utilizing one of a cell/sector, microcell, angle of arrival, time of arrival, and time delay of arrival technology.

58. (Amended) A method as set forth in Claim 56, wherein said location information regarding said mobile unit is received on said network platform, and wherein said location information originates at least in part [from,] from [location] location-determining equipment separate from said mobile unit.

59. (Amended) A method as set forth in Claim 56, wherein said prioritization information [relates to establishing] establishes said priority based on proximity of particular service providers to said mobile unit, and wherein said [step of] prioritizing comprises:

- providing said location information in a form suitable for distance determinations;
- determining a first distance between said mobile unit and said first service provider;
- determining a second distance between said mobile unit and said second service provider;
- performing a comparison of said first and said second distance; and
- determining a manner of presentation of said first and second service information based upon said comparison.

60. (Amended) A method as set forth in Claim 56, wherein said mobile unit comprises a standard mobile telephone free from any integrated equipment dedicated to location determination [and] , wherein said technology is operative [for identifying] to identify said location of said mobile unit based on radio frequency transmissions from the mobile unit, and wherein location based services are provided to said standard mobile telephone from said integrated location determination equipment.

61. (Amended) A method as set forth in Claim 56, wherein said network platform comprises a mobile telephone network platform associated with a mobile telephone network switch and wherein said [step of] receiving comprises receiving a network message transmitted to said network platform from said switch.

62. (Amended) A method for [use in] providing location based services to a subscriber of a wireless network, wherein network location information is available within an area of the network based on a network assisted location finding technology, said network assisted location finding technology being operative [for determining the] to determine a location of [said] a wireless transceiver of [a] said subscriber within said area of the network, said determining based at least in part on a relationship between [a] said location of the wireless transceiver and a known location of a fixed network structure in said area of the network, said method comprising [the steps of]:

receiving first location information regarding said wireless [unit] transceiver from a first location finding system for locating wireless units within said network;

receiving second location information regarding said wireless [unit] transceiver from a second location finding system, different from said first location finding system, for locating wireless units within said network, wherein at least one of said first location information and said second location information is based on said fixed network device in communication with the mobile unit;

determining a location of said wireless transceiver by accessing a database that includes said first location information from said first location finding system and said second location information from said second location finding system;

identifying at least one service provider and associated at least one service provider information based upon the determined location of said wireless transceiver; and

transmitting said at least one service provider information to said wireless [unit] transceiver, wherein said wireless [unit] transceiver is used to provide to the subscriber the at least one service provider information based on a current [wireless unit] location.

65. (Amended) A method as set forth in Claim 56, wherein said determining step comprises calculating a point in a polygon analysis.

66. (Amended) A method as set forth in Claim [55] 62, further comprising [the step of] obtaining said current mobile [unit] transceiver location by selecting one of said first location information and said second location information.

67. (Amended) A method for providing location based services in a wireless network comprising [the steps of]:

receiving, on a network platform in communication with a subscriber using a mobile unit via an air interface, a service request requesting information regarding said location based services;

obtaining, on said network platform, location information regarding a location of said mobile unit determined using a network assisted location finding technology, said technology being operative to provide location information regarding said mobile unit based at least in part on a position of the mobile unit in relation to a known location of a stationary ground based network device in communication with the mobile unit, [and wherein] said location information regarding said mobile unit [is] being received on said network platform, [and] said location information [originates] originating at least in part [from,] from location determination equipment separate from said mobile unit;

converting said location information into a second form;

identifying, on said network platform, utilizing said converted location information in said

second form [to locate] , a first service provider and associated first service provider information based upon said determined location of said mobile unit; and
outputting said first service provider information [on] to said mobile unit.

68. (Amended) A method as set forth in Claim 67, wherein said converting [step] converts said location information into a form suitable for distance determinations, and further comprising:
identifying a second service provider and associated second service provider information;
determining a first distance between said mobile unit and said first service provider;
determining a second distance between said mobile unit and said second service provider;
comparing said first and said second distance; and
outputting said first and second service provider , in a manner based upon said comparing [step] , to said mobile unit.

69. (Amended) A method as set forth in Claim 67, wherein [said] a prioritization criterion is used for said converting, said criterion being selected from [the group comprising one of the following,] financial information, service preference information, subscriber usage profile, and subscriber's willingness to receive complementary service information.

70. (Amended) A method as set forth in Claim 67, wherein said identifying [step] comprises obtaining one of a local condition and a service provider location relative to said location [to] of said mobile unit.

73. (Amended) A method as set forth in Claim 67, wherein one of said [steps of] storing and prioritizing is performed on said network platform.

74. (Amended) A method as set forth in Claim 67, wherein said mobile unit comprises a standard mobile telephone free from any integrated equipment dedicated to location determination [and] , said technology is operative [for identifying] to identify said location of said mobile unit based on radio frequency transmissions from the mobile unit, and wherein location based services are provided to said standard mobile telephone from said integrated location determination equipment.

75. (Amended) A method as set forth in Claim 67, wherein said network platform comprises a mobile telephone network platform associated with a mobile telephone network switch , and wherein said [step of] receiving comprises receiving a network message transmitted to said network platform from said switch.